

259
26.09.2023
Court No. 24
A.G.M.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 20217 of 2023

**Alpana Paul
-versus
The State of West Bengal & Ors.**

**Mr. Madhusudan Saha Roy
...For the Petitioner.**

**Mr. Arijit De
... For the Baranagar Municipality.**

The petitioner complains of illegal and unauthorised construction at the behest of the private respondents.

From the information provided under the Right to Information Act, it appears that the Municipality inspected the property and has communicated to the petitioner that action will be taken very soon against the illegal construction.

Till date no action has been taken by the Municipality and the petitioner alleges that the unauthorised construction is being conducted at a very fast pace. The person(s) responsible have cut the coconut tree of the petitioner for the purpose of raising construction.

None represents the private respondents.

Learned advocate representing the municipality is not ready with proper instruction.

As it appears that the representation of the petitioner objecting to the illegal and unauthorized construction is pending consideration at the end of the respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent no. 4 to consider and dispose of the representation made by the petitioner strictly in accordance with law, after giving an opportunity of hearing to all the necessary parties including the petitioner within a period of three months from the date of communication of a copy of this order. The said respondent shall pass a reasoned order and communicate the same to all the necessary parties including the petitioner immediately thereafter.

A spot inspection shall be conducted to ascertain the nature and extent of unauthorized construction.

In the event the aforesaid respondent is of the considered opinion that the construction has been made either in violation of the plan sanctioned or devoid the sanction plan, then necessary steps shall be taken to deal with such unauthorized construction, in accordance with law.

The aforesaid respondent shall restrict the consideration of the representation with regard to unauthorized construction only and not enter into or decide any private dispute of the parties regarding right, title and interest in respect of the aforesaid land.

It is made clear that this Court has not entered into the merits of the claim made by the petitioner and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioner.

The petitioner is directed to forward a copy of the representation dated 4th August, 2023 to the aforesaid respondent at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)